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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,467	02/05/2002	Fradique Lee-Duarte	2253/001	6757
1473	7590	11/03/2003	EXAMINER	
FISH & NEAVE 1251 AVENUE OF THE AMERICAS 50TH FLOOR NEW YORK, NY 10020-1105			ZEADE, BERTRAND	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,467

Applicant(s)

LEE-DUARTE, FRADIQUE

Examiner

Bertrand Zeade

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-21 is/are rejected.
- 7) ☒ Claim(s) 13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12, 15-21 are rejected under 35 U.S.C. 103(a) as being patentable over Stan et al. (U.S.6,429,594) in view of Marks (U.S.486779).

Stan ('594) discloses a continuously variable headlamp control having:

Regarding claim 1, a light or headlamp (22) for a highway vehicle (20) for illuminating an area through which another vehicle (28) that is coming in the opposite direction toward the first mentioned vehicle (20) will pass as the other vehicle (28) passes the first-mentioned vehicle (20), the light (22) being directed of the first-mentioned vehicle (20).

Regarding claim 2, the light (22) is directed at least partly to one side of the first-mentioned vehicle (20), the one side being the side along which the other vehicle will pass.

Regarding claim 3, the light (22) is directed at least partly toward the rear of the first-mentioned vehicle (20) along the side of the first mentioned vehicle that the other vehicle will pass.

Regarding claim 4, the light (22) is adapted for mounting on the side of the

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first mentioned vehicle (20) that the other vehicle will pass.

Regarding claim 5, the light (22) is adapted for mounting on the driver's side of the first-mentioned vehicle (20).

Regarding claim 6, in combination with mounting structure adapted to mount the light (22) on the first mentioned vehicle (20).

Regarding claim 7, the mounting structure is adapted to permit adjustment in direction of the light (50).

Regarding claim 8, in combination with light control circuitry (342) adapted to selectively automatically turn on the light.

Regarding claim 9, the light control circuitry (342) is adapted to turn on the light in response to detection of the other vehicle coming in the opposite direction toward the first-mentioned vehicle.

Regarding claim 10, the light control circuitry (342) includes sensor (52) circuitry adapted to detect light from the headlights (22) of the other vehicle coming in the opposite direction toward the first-mentioned vehicle (26).

Regarding claim 11, the light control circuitry (342) is further adapted to keep the light on for a time after cessation of a condition that caused the light to be turn on (see figs.16-18).

Regarding claim 12, the time is limited so that the light is thereafter automatically turned off (see figs. 16-22).

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Regarding claim 15, a spotlight or illumination range (24); a structure (see figs. 21-22) for supporting the spotlight on the left lateral side of the first-mentioned vehicle (20) so that the spotlight (24) points away from the front of the first-mentioned vehicle (20) but into an area through which the other vehicle will pass in the course of passing the first-mentioned vehicle (28/26); and a photosensor or array sensor (52) that is enabled when the first-mentioned vehicle's headlights are turned on, and that when thus enabled, is activated by light from the headlights of the other vehicle to turn on the spotlight (24).

Regarding claim 16, the structure is adapted to allow adjustment of the spotlight's direction (see fig. 15-22).

Regarding claim 17, a track adapted to allow adjustment of the height of the spotlight; a first rotatable coupling adapted to allow adjustment of the angle of the spotlight about a substantially vertically horizontal axis.

Regarding claim 18, the photosensor or array sensor (52) is located in a light protector tunnel.

Regarding claim 19, the structure (see figs. 21-22) is adapted for mounting on the left front fender of the first-mentioned vehicle (20).

Regarding claim 20, the light is a white light well known in the art.

Regarding claim 21, the light is a white light well known in the art.

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Stan ('594) does not disclose the light being directed into an area alongside and rearward of the vehicle.

Regarding claim 1, Marks ('779) as shown in (figs. 1-3) the light (S) being directed into an area alongside and rearward of the first-mentioned vehicle and directed to the left side of the road when the driving system is to the right and to the highway surface, illuminating the area through which another vehicle coming in the opposite direction is going to pass, and wherein the light is a white light.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the continuously variable headlamp control of Stan ('594) with the light being directed into an area alongside and rearward of the vehicle taught by Marks ('779) in order to provide motor vehicles with an additional lamp which comes into operation when the headlights are switched off and which is mounted on the off-side of the vehicle, immediately in front of and below the lower edge of the windscreen, so as to throw a flood-light forward, rearward and downwards to illuminate the off-side only of the vehicle and the part of the roadway in front and behind the vehicle.

Allowable Subject Matter

1. Claims 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. The following is a statement of reasons for the indication of allowable subject matter: The

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prior art of record neither teach nor suggest light outputs an amount of light at least equal to about 25% of the light output by a low beam headlight of the first-mentioned vehicle and the light outputs an amount of light at least equal to about 50% of the light output by a high beam headlight of the first-mentioned vehicle.

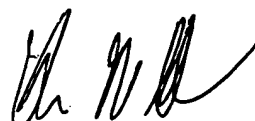
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 703-308-6084. The examiner can normally be reached on 8:00 AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Bertrand Zeade
Examiner
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THOMAS M. SEMBER
PRIMARY EXAMINER